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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,106	07/23/2003	Timothy Jon Haataja	2316.1196USD1	8972
7590	08/08/2006		EXAMINER JIMENEZ, MARC QUEMUEL	
Karen A. Fitzsimmons MERCHANT & GOULD P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,106	HAATAJA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marc Jimenez	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 19 June 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-9 and 20-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 and 20-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6, 8, 9, 20-23 and 26-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Zetena (US5316244).

Regarding claims 1-4, Zetena teaches the following in figure 19: first **115** and second **109** U-shaped spaced apart members, providing a telescoping U-shaped trough with first and second trough sections (See mark-up of figure 19 in the last office action for what is considered “first” and “second” trough “sections”), the first and second trough sections each having a terminal end **21** and a receiving end (See mark-up of figure 19 in the last office action for what is considered “receiving ends”), the receiving ends of the first and second trough sections being in sliding contact with one another, the terminal ends **21** of the first and second trough sections having the same connecting configuration such that the telescoping U-shaped trough is reversible, positioning the reversible telescoping U-shaped trough between the first and second end members **115,109**, and connecting the first and second trough sections of the reversible telescoping U-shaped trough to the first and second end members **115,109**, wherein the first and

second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members **115,109**.

Regarding claim 5, the first and second slideable trough sections have substantially the same coupling profile (U-shaped).

Regarding claim 6, the trough sections are slidable to fit between the first and second end **115,109**.

Regarding claim 8, as shown in figure 6, the tab 28 creates a slot and tab connection which stops further sliding movement.

Regarding claim 9, the retractable cable trough allows the cable trough to be positioned between first and second **109,155** end members and expanding the telescoping cable trough to connect the first and second sections to the first and second end members.

Regarding claims 20-23, 26 and 27, Zetena is considered to meet the "sliding movement of the first and second trough sections being limited between a minimum extension position and a maximum extension position to prevent sliding separating of the first and second trough sections" limitation because the trough member is locked in place by locking clips **25**. The clips **25** are also considered "stops".

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetena in view of Merckle (US 3,351,699).

Zetena teaches the invention cited with the exception of the flanges of the second trough section having slots.

Merckle teaches in figure 8, flanges of a slideable trough having slots 30.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have provided the invention of Zetena with slots in the flanges of the second trough, in light of the teachings of Merckle, in order to provide easier disassembly of the troughs where the inner trough could be removed from above the outer trough by pulling the inner trough upwards (see figure 12 of Merckle where the inner trough 30 could be separated from the outer trough 36 more easily). Whereas in Zetena, the troughs have to be telescopically removed or assembled.

#### *Response to Arguments*

5. Applicant's arguments filed 6-19-06 have been fully considered but they are not persuasive.

6. Applicant's main argument is that the first telescope member and the channel member do not remain freely slideable upon disconnecting either of the first and second telescope members because they are locked in place with locking clips 25. This is not found persuasive because the clips are not permanent locking clips and can be removed to allow sliding motion between the first telescope member and the channel member.

7. The examiner maintains the original position that the locking clips **25** could also be considered “stops” as claimed.
8. The invention as claimed is still broad enough that the Zetena reference reads on all of the limitations. It is suggested that applicant consider including similar structural features of the parent application now US patent number 6,739,795 so that the claims clearly overcome the Zetena reference.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Interviews After Final***

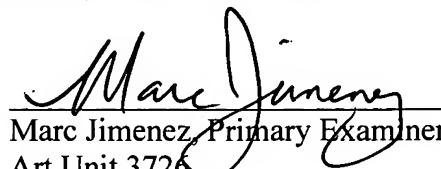
10. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the

interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09:

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
\_\_\_\_\_  
Marc Jimenez, Primary Examiner  
Art Unit 3726